

REMARKS:

In the Office Action mailed February 12, 2008, the Examiner requested that Applicants disclose all co-pending applications and related patents and identify any specific claims that may present double patenting issues with the present application.

As disclosed in Applicants' previous response filed November 19, 2007, Applicants have filed several applications that are co-pending that may relate to the subject matter of the present application, e.g., disclosing and/or claiming multiple component heart valve assemblies and/or gasket members, including Serial Nos. 10/327,821, 10/355,429, 10/765,725, 11/069,081, 11/069,457, 11/069,617, 11/080,009, 11/144,254 (now U.S. Patent No. 7,238,200), 11/279,246, 11/420,720, 11/457,437, 11/567,735, 11/742,424, 11/742,459, 11/742,481, and 11/742,390, as well as U.S. Patent No. 6,939,365.

Applicants believe that the subject matter claimed in the present application is not the same as the subject matter claimed in these applications and patents. Regardless, Applicants are filing herewith a Terminal Disclaimer, disclaiming the terminal part of any patent granted on the present application that would extend beyond the expiration dates of U.S. Patent No. 6,939,365, and any patents issuing from applications Serial Nos. 10/327,821, 10/355,429, 10/765,725, and 11/080,009. Thus, should an obviousness type double patenting rejection be warranted (which Applicants do not concede), such a rejection should be overcome with the Terminal Disclaimer filed herewith.

With respect to the remaining applications identified above, Applicants believe that none of the claims currently pending in those applications are likely to raise any double patenting issues with the present application. For example, all of the claims of application Serial No. 11/144,254,

now U.S. Patent No. 7,238,200, are directed to **methods** for making a bioprosthetic heart valve, while the claims of the present application are directed to a heart valve **device** or a heart valve **assembly**.

In addition, although the claims currently pending in applications Serial Nos. 11/069,081, 11/069,457, 11/069,617, 11/279,246, and 11/420,720 relate generally to multiple component heart valve prostheses, none of the claims in these applications recites “an elongate attachment device comprising one or more digitations, detents, or pawls” or “an elongate attachment device comprising a plurality of digitations, detents, or pawls,” as recited in independent claims 1, 32, 37, 74 of the present application, “a plurality of elongate attachment devices receivable through the receptacles, each attachment device comprising a detent for self-fixturingly ratcheting through a respective receptacle,” as recited in independent claim 96 of the present application, or “a plurality of elongate attachment devices receivable through respective fixturing devices” or “a plurality of elongate attachment devices receivable through the receptacles,” as recited in independent claims 113, 116, 117, 119, and 125 of the present application.

Further, unlike the present application, the claims of application Serial No. 11/457,437 (“the ‘437 application”) are directed to percutaneous prosthetic heart valves and methods for making and using them. For example, claim 1 of the ‘437 application recites a **system** for delivering a multiple component prosthetic valve into a biological annulus within a patient’s body that includes an **elongate tubular member** comprising a proximal end, a distal end sized for introduction into a body lumen, and a lumen extending between the proximal and distal ends, as well as first and second prostheses. Claim 17 of the ‘437 application recites an annular first prosthesis that is “contractible into a contracted condition for introduction through a body lumen

and being expandable for deployment within a biological annulus" and a second valve prosthesis that is also "contractible into a contracted condition for introduction through a body lumen and being expandable for deployment within a biological annulus to allow the valve prosthesis to be secured relative to the annular prosthesis." Claims 21, 26, and 27 of the '437 application recite **methods** for implanting a heart valve assembly in a biological annulus, and not a heart valve **device** or a heart valve **assembly**, as recited in the present application.

Finally, applications Serial Nos. 11/742,424, 11/742,459, 11/742,481, and 11/742,390 were all filed and/or claim priority to provisional applications filed more than a year after the present application published on February 24, 2005. Therefore, the present application was published more than a year before the priority date of these applications.

Applicants believe that this response is fully responsive to the Requirement for Information. If any additional information is desired, the Examiner is invited to contact the undersigned below.

Applicants hereby petition for any extension of time necessary to make the present response timely. Applicants believe that a two month extension is currently required.

Respectfully submitted,

VISTA IP LAW GROUP LLP

By



William A. English
Reg. No. 42,515
Attorneys for Applicants

Dated: May 22, 2008

2040 Main Street, 9th Floor
Irvine, CA 92614
Telephone: (562) 665-3953
Facsimile: (949) 625-8955